

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 ROBERTO DURAND,

Case No. 3:22-cv-00237-LRH-CSD

4 Petitioner,

ORDER

5 v.

6 WILLIAM RUEBUART, et al.,

7 Respondents.

8 Petitioner Roberto Durand, a *pro se* Nevada prisoner, submitted a Petition for Writ of
 9 Habeas Corpus under 28 U.S.C. § 2254. (ECF No. 10 (“Petition”).) On August 1, 2022, this Court
 10 dismissed the Petition without prejudice based on Durand’s failure to comply with this Court’s
 11 orders to file a complete *in forma pauperis* (“IFP”) application or pay the filing fee. (ECF No. 9.)
 12 Judgment was entered and the case was closed. (ECF No. 11.) Durand appealed. (ECF Nos. 12,
 13 14, 16, 20.) On November 30, 2022, the Ninth Circuit denied Durand’s request for a certificate of
 14 appealability “for lack of jurisdiction because [Durand] did not have authorization to file the §
 15 2254 petition that is at issue in this appeal.” (ECF No. 24 at 1.) The Ninth Circuit then instructed
 16 Durand that it “must first authorize the district court to consider” a second or successive § 2254
 17 petition. (*Id.* at 2.)

18 Durand has now filed another incomplete IFP application.¹ (ECF No. 25.) However, this
 19 case is closed. If Durand wishes to seek relief in this Court he shall file a new action, with a new
 20 case number, on the correct court-required form accompanied by the filing fee or a fully completed
 21 IFP application. However, the Court reminds Durand of the Ninth Circuit’s instructions about first
 22 obtaining authorization to file a second or successive § 2254 petition.

23
¹ Durand did not include his 6-month account statement.

Pauperis [ECF No. 25] is denied.

DATED this 7th day of December 2022.

Munich

LARRY R. HICKS
UNITED STATES DISTRICT COURT